

GWILLIAM IVARY CHIOSSO CAVALLI & BREWER

ATTORNEYS AT LAW

A Professional Corporation

1999 Harrison St., Suite 1600, Oakland, CA 94612

J. Gary Gwilliam, Esq. (State Bar No. 33430)  
Randall E. Strauss, Esq. (State Bar No. 168363)  
Jayme L. Walker, Esq. (State Bar No. 273159)  
Angelina M. Austin, Esq. (SBN 336250)  
GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER  
1999 Harrison Street, Suite 1600  
Oakland, CA 94612-3528  
Telephone: (510) 832-5411  
Facsimile: (510) 832-1918  
Email: ggwilliam@giccb.com; rstrauss@giccb.com; jwalker@giccb.com; aaustin@giccb.com

Attorneys for Plaintiffs

ESTATE OF FRANK CARSON; GEORGIA DEFILIPPO; CHRISTINA DEFILIPPO; &  
EDUARDO QUINTANAR, JR.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ESTATE OF FRANK CARSON AND  
GEORGIA DEFILIPPO, as an individual  
and as successor in interest to FRANK  
CARSON,

Plaintiffs,

vs.

COUNTY OF STANISLAUS, CITY OF  
MODESTO, BIRGIT FLADAGER,  
MARLISSA FERREIRA, DAVID HARRIS;  
KIRK BUNCH, STEVE JACOBSON, JON  
EVERS, CORY BROWN, and DOES 1-25,  
inclusive,

Defendants.

GEORGIA DEFILIPPO AND CHRISTINA  
DEFILIPPO,

Plaintiffs,

vs.

COUNTY OF STANISLAUS, et al.

Case No. 1:20-CV-00747-TLN-BAM

**JOINT STIPULATION AND  
ORDER TO CONTINUE OPPOSITION  
AND REPLY DATES IN CONNECTION  
WITH DEFENDANTS' MOTIONS TO  
DISMISS**

Related to:

1:15-cv-00311-TLN-BAM (Athwal)

1:20-cv-00770-TLN-BAM (Wells/McFarlane)

Case No. 1:18-cv-00496-TLN-BAM

Defendants.

EDUARDO QUINTANAR, JR.,

Plaintiff,

vs.

COUNTY OF STANISLAUS, et al.

Defendants.

Case No. 1:18-cv-01403-TLN-BAM

On November 13, 2020, the Honorable Judge Nunley consolidated this matter with related cases *DeFilippo, et al v. Stanislaus et al*, USDC No. 1:18-cv-00496; *Quintanar v. Stanislaus, et al*, USDC No. 1:18-cv-01403; *Wells, et al v. Stanislaus et al*, USDC No. 1:20-cv-00770; and *Athwal, et al v. Stanislaus et al* USDC No. 1:15-cv-0031, for discovery purposes (Docket #23 of *Carson, et al.*). The parties in these matters filed a stipulation and proposed order continuing the respective opposition and reply dates in relation to the Defendants' Motions to Dismiss, in related case *Athwal et al v. Stanislaus et al*, USDC No. 1:15-cv-0031 (Docket #175). That stipulation, attached here as **Exhibit A**, is a true and accurate copy of the parties' Joint Stipulation and Proposed order to continue dates in all of the related cases.

DATE: February 1, 2022

GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER

/s/ Angelina M. Austin

J. Gary Gwilliam  
Randall E. Strauss  
Jayme L. Walker  
Angelina m. Austin  
Attorneys for Plaintiff  
FRANK CARSON

GWILLIAM IVARY CHIOSSO CAVALLI & BREWER  
ATTORNEYS AT LAW  
A Professional Corporation  
1999 Harrison St., Suite 1600, Oakland, CA 94612

# Exhibit A

JOINT STIP. AND ORDER TO CONT. OPP.  
AND REPLY DATES IN CONNECTION  
WITH DEFS' MTDs

CASE No. 1:20-cv-00747-TLN-BAM

CASE No. 1:18-cv-00496-TLN-BAM

CASE No. 1:18-cv-01403-TLN-BAM

ARTURO J. GONZALEZ (CA SBN 121490)  
AGonzalez@mofo.com  
JESSICA L. GRANT (CA SBN 178138)  
JGrant@mofo.com  
MATTHEW A. CHIVVIS (CA SBN 251325)  
MChivvis@mofo.com  
ROBERT S. SANDOVAL (CA SBN 311032)  
RSandoval@mofo.com  
MEREDITH L. ANGUEIRA (CA SBN 333222)  
MAngueira@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000

Attorneys for Plaintiffs  
BALJIT ATHWAL, DALJIT ATWAL, WALTER W. WELLS  
and SCOTT McFARLANE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BALJIT ATHWAL and DALJIT ATWAL,

Plaintiffs,

v.

COUNTY OF STANILSAUS; CITY OF  
TURLOCK; CITY OF MODESTO; CITY OF  
CERES; STANISLAUS COUNTY OFFICE OF  
THE DISTRICT ATTORNEY; KIRK BUNCH;  
JON EVERS; TIMOTHY REDD; DALE  
LINGERFELT; STEVE JACOBSON; BIRGIT  
FLADAGER; GALEN CARROLL;

Defendants.

WALTER W. WELLS and SCOTT  
MCFARLANE

Plaintiffs,

v.

COUNTY OF STANISLAUS, ET AL.

Defendants.

Case No. 1:15-cv-00311-TLN-BAM

**JOINT STIPULATION AND  
[PROPOSED] ORDER TO  
CONTINUE OPPOSITION AND  
REPLY DATES IN CONNECTION  
WITH DEFENDANTS' MOTIONS  
TO DISMISS**

Hon. Troy L. Nunley

Trial: None Set

Related to:

CASE NO. 1:20-CV-00770-TLN-BAM  
CASE NO. 1:20-CV-00747-TLN-BAM  
CASE NO. 1:18-cv-00496-TLN-BAM  
CASE NO. 1:18-cv-01403-TLN-BAM

Case No. 1:20-cv-00770-TLN-BAM

FRANK CARSON,

Plaintiffs,

v.

COUNTY OF STANISLAUS, CITY OF  
MODESTO, CITY OF CERES, BIRGIT  
FLADAGER, MARLISSA FERREIRA, DAVID  
HARRIS, KIRK BUNCH, STEVE JACOBSON,  
JON EVERS, CORY BROWN, and DEREK  
PERRY, and DOES 1-25, inclusive,

Defendants.

Case No. 1:20-cv-00747-TLN-BAM

GEORGIA DEFILIPPO AND CHRISTINA  
DEFILIPPO

Plaintiffs,

v.

COUNTY OF STANISLAUS, ET AL.

Defendants.

Case No. 1:18-cv-00496-TLN-BAM

EDUARDO QUINTANAR, JR.,

Plaintiffs,

v.

COUNTY OF STANISLAUS, ET AL.

Defendants.

Case No. 1:18-cv-01403-TLN-BAM

Defendants COUNTY OF STANISLAUS; CITY OF MODESTO; CITY OF TURLOCK;  
CITY OF CERES; STANISLAUS COUNTY OFFICE OF THE DISTRICT ATTORNEY;  
BIRGIT FLADAGER; MARLISSA FERREIRA; DAVID HARRIS; KIRK BUNCH; STEVE  
JACOBSON; CORY BROWN; JON EVERS; TIMOTHY REDD; DALE LINGERFELT;  
GALEN CARROL; FROLIAN MARISCAL; LLOYD MCKINNON; GREG JONES;  
KENNETH BARRINGER; GALEN CARROLL; FRANK NAVARRO; and TIMOTHY REDD  
("Defendants") and Plaintiffs ESTATE OF FRANK CARSON; GEORGIA DEFILIPPO;  
CHRISTINA DEFILIPPO; EDUARDO QUINTANAR, JR.; BALJIT ATHWAL; DALJIT  
ATHWAL; WALTER WELLS; and SCOTT MCFARLANE ("Plaintiffs") through their  
respective counsel, hereby agree and stipulate as follows:

1. WHEREAS Plaintiffs have been served with multiple separate motions to dismiss;
2. WHEREAS Plaintiffs would like additional time to confer with Defendants and possibly dismiss certain claims against certain Defendants;
3. All parties agree that the deadline for opposing Defendants' motions to dismiss be continued to April 11, 2022;
4. Defendants' reply briefs shall be filed no later than May 26, 2022.

The stipulated briefing schedule is as follows:

Plaintiffs' Oppositions to Defendants' FRCP 12(b)(6) motions to dismiss	April 11, 2022
Defendants' Replies (if any)	May 26, 2022
Proposed hearing date	June 9, 2022 at 2 p.m.

Respectfully submitted,

Dated: February 1, 2022

ARTURO J. GONZÁLEZ  
JESSICA L. GRANT  
MATTHEW CHIVVIS  
ROBERT S. SANDOVAL  
MEREDITH L. ANGUEIRA  
MORRISON & FOERSTER LLP

By: /s/ Arturo J. González  
ARTURO J. GONZÁLEZ

Attorneys for Plaintiffs  
BALJIT ATHWAL, DALJIT ATWAL,  
WALTER WELLS, AND SCOTT  
MCFARLANE

Dated: February 1, 2022

ALLEN, GLAESSNER, HAZELWOOD &  
WERTH, LLP

By: \*/s/ Patrick Moriarty  
DALE L. ALLEN, JR.  
PATRICK D. MORIARTY  
JOHN B. ROBINSON

Attorneys for Defendants  
CITY OF MODESTO, JON EVERS, and  
GALLEN CARROLL

Dated: February 1, 2022

GWILLIAM, IVARY, CHIOSSO, CAVALLI  
& BREWER

By: \*/s/ Angelina Austin  
J. Gary Gwilliam  
Randall E. Strauss  
Jayme L. Walker  
Angelina M. Austin

Attorneys for Plaintiffs  
ESTATE OF FRANK CARSON, GEORGIA  
DEFILIPPO, CHRISTINA DEFILIPPO AND  
EDUARDO QUINTANAR, JR.

1 Dated: February 1, 2022

PORTER SCOTT  
A PROFESSIONAL CORPORATION

2  
3 By: *\*/s/ John Whitefleet*

4 John R. Whitefleet

5 Attorneys for Defendants  
6 COUNTY OF STANISLAUS, STANISLAUS  
7 COUNTY OFFICE OF THE DISTRICT  
8 ATTORNEY, BIRGIT FLADAGER,  
9 MARLISSA FERRIERA, DAVID HARRIS,  
KIRK BUNCH, STEVE JACOBSON, CORY  
BROWN, DALE LINGERFELT, FROLIAN  
MARISCAL, LLOYD MACKINNON, GREG  
JONES, KENNETH BARRINGER

10 Dated: February 1, 2022

ARATA SWINGLE VAN EGMOND &  
HEITLINGER

11  
12 By: *\*/s/ Bradley Swingle*

13 Bradley J. Swingle

14 Attorneys for Defendants  
15 CITY OF TURLOCK, CITY OF CERES,  
16 FRANK NAVARRO, AND TIMOTHY  
REDD

17 *\* Parties have consented to use of their electronic signature.*  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**[PROPOSED] ORDER**

Pursuant to the stipulation of the parties:

The stipulated briefing schedule is as follows:

Plaintiffs' Oppositions to Defendants' FRCP 12(b)(6) motions to dismiss	April 11, 2022
Defendants' Replies (if any)	May 26, 2022
Proposed hearing date	June 9, 2022 at 2 p.m.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2022

By: \_\_\_\_\_  
District Judge Troy L. Nunley

**ORDER**

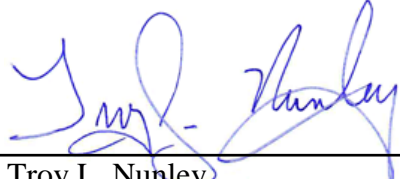
Pursuant to the stipulation of the parties:

The briefing schedule is as follows:

Plaintiffs' Oppositions to Defendants' FRCP 12(b)(6) motions to dismiss	April 11, 2022
Defendants' Replies (if any)	May 26, 2022
Hearing date	<b>June 16, 2022, at 2 p.m.</b>

IT IS SO ORDERED.

Dated: February 1, 2022

  
 Troy L. Nunley  
 United States District Judge

GWILLIAM IVARY CHIOSSO CAVALLI & BREWER  
 ATTORNEYS AT LAW  
 A Professional Corporation  
 1999 Harrison St., Suite 1600, Oakland, CA 94612